

May 27, 2005

Ms. Marlene Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: REPLY IN SUPPORT OF PETITION FOR CLARIFICATION OR PARTIAL  
RECONSIDERATION OF FREEZE PROCESS FOR IMPLEMENTATION OF  
800 MHz BAND RECONFIGURATION**

**WT Docket No. 02-55**

Dear Ms. Dortch:

The City of New York (“City”) hereby submits the following comments in support of the Association of Public-Safety Communications Officials-International, Inc., et al. (“APCO”) Petition for Clarification or Partial Reconsideration of Freeze Process for Implementation of 800 MHz Band Reconfiguration.

On behalf of New York City government, and in support of dozens of agencies that promote the City’s public safety communications needs, the Department of Information Technology and Telecommunications (DoITT), operates and maintains several radio systems, including an 800 MHz system. Indeed, over the last several years, the City has been aggressively upgrading this critical and very heavily utilized 800 MHz system to improve reliability and enhance interoperability. Currently, for example, the City’s 800 MHz trunked radio network provides interagency communications to more than 35 city agencies, including public safety and health agencies. Specialized talk groups have been established on the 800 MHz network to provide added levels of interoperability. The principal public safety talk group on the network is the “ALERT” channel, which is dedicated to the City’s Office of Emergency Management.<sup>1</sup>

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<sup>1</sup> In the event of an emergency, designated personnel in agencies with access to the ALERT talk group can switch to this channel for information and coordination. Based on the concept of the ALERT channel, other interoperable talk groups have been established, including a healthcare and medical facility talk group to provide interoperable communications among OEM’s Health Response Unit, the New York City Health and Hospitals Corporation and the Greater New York Hospital Association.

The City supports the Commission's decision to adopt separate freezes in the region during the 800 MHz band reconfiguration as described in Public Notice DA 05-1340. The first freeze for non-NPSPAC licensees and the second for the NPSPAC licensees are a reasonable method for curtailing uncertainty during this process.

However, the City strongly believes that public safety channels in the 809.75–815/854.75–860 MHz band segment should not be affected by any freeze. The frequencies in this band segment are not held by Nextel or by any other entity affected by the 800 MHz reconfiguration. APCO's petition makes it plain that there is no adverse effect on either current licensees or any proposed licensees in this band segment in any manner by the movement of either Nextel frequencies or by NPSPAC licensees to the 806 MHz band segment.

Any freeze on applications and licenses for these frequencies would have a dangerous impact on the provision of life-safety services in the City and constrain the City's ability to respond to a future crisis. This is particularly the case as the City is currently in the process of expanding its 800 MHz mobile data systems. Such expansion requires engineering analyses, frequency coordination and a host of other time consuming activities, which are now in jeopardy of being brought to a sudden halt.

Therefore, the City of New York strongly supports the Petition proposed by APCO and urges an expeditious reconsideration on this matter by the Commission.

Respectfully submitted,

Steven A. Harte  
Associate Commissioner, Wireless

Technologies

Cc: Michael J Wilhelm  
Chief, Public Safety and Critical Infrastructure Division  
Wireless Telecommunications Bureau